

DELTA PROTECTION COMMISSION

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February 6, 2006

Department of Water Resources
South Delta Branch
Draft EIS/EIR Comments
1416 Ninth Street, Second Floor
Sacramento, California 95814

U. S. Bureau of Reclamation
Mid-Pacific Region
Draft EIS/EIR Comments
2800 Cottage Way
Sacramento, California 95825

Dear Project Managers:

SUBJECT: South Delta Improvements Program, Draft EIS/EIR

Staff of the Delta Protection Commission (Commission) has reviewed the subject document and a determination has been made that the project is located in portions of both the Primary and Secondary Zones of the Legal Delta.

The following comments are provided for your consideration based on the assumption that the project proposal under review at this time is for the physical/structural component of the South Delta Improvement Program. It is further assumed, from the documentation provided, that the operational component, which includes raising the permitted diversion limit into the State Water Project Clifton Court Forebay from 6,680 cfs to 8,500 cfs, will be addressed in a separate process, including the opportunity to comment.

Pursuant to the Delta Protection Act (Act), approvals for projects in the Primary Zone shall take into consideration consistency with the provisions of the Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan). Additionally approvals for projects in the Secondary Zone should address any potential impacts to the Primary Zone resulting from a project in the Secondary Zone.

The Act was passed into law in 1992 in recognition of the increasing threats to the resources of the Primary Zone from urban and suburban encroachment having the potential to impact agriculture, wildlife habitat, and recreation uses. The Management Plan was completed and adopted by the

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Commission, pursuant to the Act, and it sets out findings, policies, and recommendations resulting from background studies in the areas of environment, utilities and infrastructure, land use, agriculture, water, recreation and access, levees, and marine patrol/boater education/safety programs. The Commission serves as an appeal body in the event the actions of a regulatory entity on a project within the Primary Zone are challenged as being inconsistent with the Act or the Management Plan.

Your attention is called to the following Management Plan Policies (P) and Recommendations (R) for environmental review consideration. Also provided are comments that reflect discussions and observations of DPC staff involving recreational boating and marina operator organizations.

Environment

Feasible steps to protect and enhance aquatic habitat should be implemented as may be determined by resource agencies consistent with balancing other beneficial uses of Delta resources (R-4).

Public-owned land should incorporate, to the maximum extent feasible, suitable and appropriate wildlife protection, restoration and enhancement as part of a Deltawide plan for habitat management (R-5).

Documentation should be provided as to potential impacts to the control of invasive aquatic weeds, including required time windows consistent with other appropriate regulatory entities.

Utilities and Infrastructure

The operation of draw and swing bridges (or other similar structures) shall balance needs of land and water traffic. Commercial vessels and emergency road traffic shall have right-of-way over other traffic (P-7).

Materials dredged from Delta channels should, if feasible, be stored at upland sites for reuse for levee maintenance and repair, and other feasible uses in the Delta. Mitigation for potential impacts to wildlife caused by storage of dredged materials should be provided (R-4).

Potential increases to impacts to levee stability and maintenance due to dredging and other maintenance related to gate operations should be identified and addressed.

Land Use

Subsidence control shall be a key factor in evaluating land use proposals (P-6).

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Documentation should be provided as to how the operation of the gates will take into consideration the priority for emergency response programs.

The analysis leading to the selection of specific gate locations should take into consideration the potential for population growth in pertinent areas of the Delta.

Agriculture

Governmental entities shall support long-term viability of commercial agriculture in the Delta because of its economic and environmental importance to the State and local communities (P-4).

Governmental entities shall encourage management of agricultural lands which maximize wildlife habitat seasonally and year-round, through techniques such as sequential flooding in fall and winter (P-8).

Water

Government entities shall ensure that design, construction, and management of any flooding program to provide seasonal wildlife habitat on agricultural lands shall incorporate "best management practices" to minimize mosquito breeding opportunities and shall be coordinated with the local vector control districts (P-2).

Water agencies at the local, state, and federal levels shall work together to ensure that adequate Delta water quality standards are set and met and that beneficial uses of state waters are protected consistent with Water Code Section 12310(f) (P-3).

Delta waterways should continue to serve as a primary transportation system moving water to the State's natural and developed water systems (R-1).

Delta water rights should be respected and protected (R-2).

Programs to enhance the natural values of the State's aquatic habitats and water quality to benefit the Delta and should be supported (R-3).

Water for flooding to provide seasonal and year-round wildlife habitat should be provided as part of state and federal programs to provide water for wildlife habitat (R-5).

State and federal water projects are beneficiaries of Delta waterways and levees, therefore, the projects should fund that portion of levee erosion caused by water transport and should continue programs that fund protection of Delta levees (R-7).

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The potential of methods to maintain the gate areas (dredging, etc.) to degrade water quality through sediment suspension should be analyzed and addressed.

Potential impacts of the project to increase salinity intrusion should be identified and analyzed.

Recreation and Access

Government entities shall improve public safety on Delta waterways through enforcement of local, state and federal laws (P-4).

Government entities should include appropriate recreation and/or public access components to the extent consistent with project purposes and with available funding. Consideration should be given to private or user group improvements on public-owned lands to provide facilities (R-6).

Government entities should develop design guidelines for new or enlarged facilities utilized by recreational users to protect adjacent agricultural land uses (R-7).

Government entities should develop funding sources to provide adequate enforcement of existing laws to protect health, safety and welfare of Delta recreational users (R-8).

Gate dimensions should take into consideration the size and configuration of vessels (including houseboats) historically, or potentially, frequenting the sites.

Provisions for recreational user amenities, such as public restrooms should be addressed as relates to additional delays in travel and navigation as a result of gate operations.

The jurisdiction of the State Lands Commission, as it relates to navigation and public trust, as well as fee interest should be taken into consideration in the determination of gate configuration and placement as it relates to navigability constraints.

Marine Patrol, Boater Education and Safety Programs

Government entities that have or plan to have marine patrols shall possess adequate marine patrol equipment to ensure communication with other county marine patrols, with state patrols on Delta waters, and with the Coast Guard (P-1).

Government entities that have marine patrols shall notify the Coast Guard when and where patrols are on the water (P-2).

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Government entities that have marine patrol units shall participate in at least one Coast Guard or Delta Protection Commission sponsored meeting per year to coordinate with other Delta law enforcement programs, to develop strategies for effective control, to discuss new laws and programs, and to generally increase effectiveness and communication between the various marine patrol programs (P-3).

Government entities that have or plan to have marine patrol programs shall provide adequate levels of marine patrol to ensure public health and safety on the waters of the Delta, taking into account funding available and the number of vessels moored in the Delta, launched into the Delta, and which travel into the Delta (P-8).

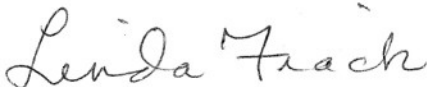
Any potential of impacts to the economic viability of existing marinas or boat launching facilities should be analyzed and addressed.

The communication systems of volunteer emergency response groups should be taken into consideration.

Thank you for the opportunity to comment. It should again be noted that these comments apply only to the structure phase and not the operational phase based on staff's understanding that there will be the opportunity to comment on the operations through a separate process.

A copy of the Management Plan and the Act are available at the Commission's web site www.delta.ca.gov for your reference in considering the comments provided herein. Please contact me at (916) 776-2292 or lindadpc@citlink.net if you have any questions regarding the Commission or the comments provided herein.

Sincerely,



Linda Fiack
Executive Director